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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JACKLYN G. RIGGS, an individual;

Plaintiff,

Case No. 3:22-cv-00124-LRH-CLB

v.

TRANSAMERICA LIFE INSURANCE  
COMPANY; DOES I-XXX; and ABC  
CORPORATIONS A-Z; inclusive,

Defendants.

**ORDER GRANTING**  
**STIPULATION EXTENDING**  
**DISCOVERY DEADLINES AND**  
**CONTINUING THE CONFERENCE SET**  
**FOR OCTOBER 3, 2022**

**(SECOND REQUEST)**

Pursuant to LR IA 6-1 and LR 26-3, Plaintiff Jacklyn G. Riggs, by and through her attorneys of record, Leverty & Associates Law Chtd., and Defendant Transamerica Life Insurance Company, by and through its attorneys of record, Cozen O'Connor, hereby stipulate and agree as follows and jointly request that the Court enter the below Order approving this Stipulation extending the discovery deadlines by 120 days and continuing the October 3, 2022 case management conference for 120 days.

This is the second formal request to extend the discovery deadlines. The first discovery extension was brief and did not allow the parties to complete the outstanding discovery or resolve the matter despite their best efforts. This second stipulation by and between the parties is, therefore, necessary and it is made in good faith. There is also good cause to allow the extension of discovery, as the parties require additional time to continue settlement negotiations, which the parties mutually agree would benefit the parties now that counsel has received and reviewed the deposition transcript of Plaintiff; allow the parties to continue to receive and review responses to the eight *subpoena*

1 *duces tecum* previously served by Transamerica—many of which remain outstanding despite  
2 diligent efforts by counsel—and to do so before proceeding with any additional depositions,  
3 retention and disclosure of experts, including the substantial costs of the same; and to allow  
4 sufficient time to notice and hold the numerous depositions that will ultimately need to be taken,  
5 particularly given what the parties anticipate to be challenging schedules for the Plaintiff’s medical  
6 providers. Additionally, should the case proceed without resolution between the parties,  
7 Transamerica anticipates filing a motion for summary judgment, which will require the additional  
8 time as well.

9 **I) Discovery Completed**

- 10 a) Plaintiff made her initial disclosures on April 26, 2022;
- 11 b) Defendants made its initial disclosures on April 26, 2022;
- 12 c) Plaintiff propounded a first set of requests for production to Defendant  
13 Transamerica Life Insurance Company on April 27, 2022;
- 14 d) Plaintiff propounded a second set of requests for production to Defendant  
15 Transamerica Life Insurance Company on April 27, 2022;
- 16 e) On May 19, 2022, the Court held a video case management conference to address a  
17 discovery timeline and to set a deposition date for Ms. Riggs;
- 18 f) Defendant propounded a first set of interrogatories to Plaintiff Jacklyn Riggs on May  
19 25, 2022;
- 20 g) Defendant propounded a first set of requests for production to Plaintiff Jacklyn Riggs  
21 on May 25, 2022;
- 22 h) Defendant Transamerica Life Insurance Company responded to Plaintiff’s first set  
23 of requests for production on May 27, 2022;
- 24 i) Defendant Transamerica Life Insurance Company responded to Plaintiff’s second set  
25 of requests for production on May 27, 2022;
- 26 j) Plaintiff made her first supplemental disclosures on June 15, 2022;
- 27 k) Plaintiff responded to Defendant’s first set of interrogatories on June 15, 2022;
- 28

- 1 l) Plaintiff responded to Defendant's first set of requests for production on June 15,  
2 2022;
- 3 m) On July 1, 2022, the Court held a video discovery hearing to address Plaintiff's  
4 responses to interrogatories;
- 5 n) Plaintiff supplemented her responses to Defendant's first set of interrogatories on  
6 July 5, 2022;
- 7 o) Plaintiff Jacklyn Riggs had her deposition taken on July 6, 2022;
- 8 p) Defendant Transamerica arranged service of eight *subpoenas duces tecum* directed  
9 to Plaintiff's providers on July 13, 2022; and
- 10 q) On September 1, 2022, Defendant Transamerica followed up on each outstanding  
11 *subpoena duces tecum*.

12 **II) Discovery that Remains to Be Completed**

- 13 a) The parties will receive and review the responses to the eight pending *subpoenas*  
14 *duces tecum*;
- 15 b) The parties will file a stipulated protective order to facilitate the production of  
16 additional documents;
- 17 c) The Plaintiff will notice the Fed.R.Civ.Pro. 30(b)(6) Deposition of Defendant  
18 Transamerica Life Insurance Company;
- 19 d) The parties will notice additional witness depositions (anticipated to be in the range  
20 of 6-10 depositions collectively);
- 21 e) The parties will disclose their experts and notice the depositions of the parties'  
22 respective expert witnesses that have yet to be designated in this matter; and
- 23 f) The parties will address any additional investigation – the specifics of which are  
24 presently unknown – which is needed following the depositions of both fact and  
25 expert witnesses.

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### III) Reasons Why the Deadline Was Not Satisfied or The Remaining Discovery Was Not Completed Within the Time Limits Set by the Discovery Plan

As provided in the Court's May 19, 2022, Minutes of Proceedings, counsel advised the Court that the parties are in settlement negotiations. Following disclosures by the parties, the parties responses to discovery propounded and the July 6, 2022, deposition of Plaintiff Jacklyn Riggs – the transcript of which was received by Defendant Transamerica in late August – the parties settlement negotiations have continued in earnest.

Additionally, following the above-stated preliminary discovery, Defendant Transamerica has also sent eight *subpoenas duces tecum* to Plaintiff's providers to obtain her complete records. Before the parties engage in depositions and expert disclosures, Defendant Transamerica must receive and review the responses to the same. These were sent within one week following Plaintiff's deposition, but due to the provider delays and counsel's pre-paid vacations in much of August, many of these still remain outstanding. There has been follow up and the providers have advised that these records will be forthcoming. Thus, although the parties are mutually interested in resolving this matter, this additional time is necessary to prepare for the remaining depositions and expert retention and disclosure should the matter not resolve in short order. Moreover, should the parties be unable to resolve this action, Transamerica anticipates filing a motion for summary judgment, which will require additional time as well.

This stipulation by and between the parties is made in good faith and with good cause to allow the parties additional time to discuss settlement following the discovery already conducted and to provide sufficient time to complete the remaining discovery. Additionally, the parties agree that a case management conference would be most fruitful if continued by 120 days.

### IV) Proposed Schedule for Completing All Remaining Discovery

Deadline	Current Date	Proposed Date
Joint Case Conference Report	September 26, 2022	Tuesday, January 24, 2023
Case Management Conference	October 3, 2022	Tuesday, January 31, 2023
Discovery Cut-Off	November 25, 2022	Friday, March 24, 2023

Initial Expert Disclosures	September 26, 2022	Thursday, January 24, 2023
Rebuttal Expert Disclosures	October 28, 2022	Friday, February 24, 2023
Dispositive Motions	January 20, 2023	Friday, May 19, 2023

DATED: This 22nd day of September, 2022      DATED: This 22nd day of September, 2022

LEVERTY & ASSOCIATES LAW CHTD.

COZEN O'CONNOR

/S/ Jess P. Rinehart

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### **ORDER**

No further extensions of time will be granted absent extraordinary circumstances.

**IT IS ORDERED.**

**DATED:** September 23, 2022



UNITED STATES MAGISTRATE JUDGE